

CLAIM AMENDMENTS

IN THE CLAIMS

This listing of the claims will replace all prior versions, and listing, of claims in the application or previous response to office action:

1. (Original) An isolated nucleic acid comprising a promoter having a sequence of SEQ ID NO:1, wherein the promoter has stem-specific promoter activity.
2. (Currently Amended) An isolated nucleic acid comprising a promoter having a sequence at least ~~65~~ 60% homologous with SEQ. ID. NO. 1, wherein the promoter has stem-specific promoter activity.
3. (Currently Amended) An isolated nucleic acid comprising a JAS promoter having a sequence at least 60% homologous with SEQ. ID. NO. 1 and an exogenous nucleic acid, wherein the JAS promoter is operable to drive stem-specific expression or transcription of the exogenous nucleic acid.
4. (Currently Amended) The nucleic acid of Claim 3, wherein the JAS promoter is further operable to drive upregulated stem-specific expression or transcription in the **present presence** of a defense-inducing agent.
5. (Currently Amended) An expression vector comprising, ~~in a~~ in a 5' to 3' direction:
a JAS promoter having a sequence at least 60% homologous with SEQ. ID. NO. 1;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.

6. (Original) The expression vector of Claim 5, wherein the exogenous nucleic acid comprises a transgene.

7.-16. (Cancelled).

17. (Currently Amended) A bacterial cell comprising an expression vector having:

a JAS promoter having a sequence at least 60% homologous with SEQ. ID.

NO. 1;

an exogenous nucleic acid; and

a 3' termination sequence,

wherein the JAS promoter has stem-specific promoter activity.

18.-36. (Cancelled).

37. (New) The isolated nucleic acid of Claim 2, comprising a promoter having a sequence at least 70% homologous with SEQ. ID. NO. 1.

38. (New) The isolated nucleic acid of Claim 2, comprising a promoter having a sequence at least 80% homologous with SEQ. ID. NO. 1.

39. (New) The isolated nucleic acid of Claim 2, comprising a promoter having a sequence at least 90% homologous with SEQ. ID. NO. 1.

40. (New) The isolated nucleic acid of Claim 2, comprising a promoter having a sequence at least 75% homologous with SEQ. ID. NO. 1.

41. (New) The isolated nucleic acid of Claim 2, comprising a promoter having a sequence at least 98% homologous with SEQ. ID. NO. 1.

42. (New) The isolated nucleic acid of Claim 3, comprising a JAS promoter having a sequence at least 70% homologous with SEQ. ID. NO. 1.

43. (New) The isolated nucleic acid of Claim 3, comprising a JAS promoter having a sequence at least 80% homologous with SEQ. ID. NO. 1.

44. (New) The isolated nucleic acid of Claim 3, comprising a JAS promoter having a sequence at least 90% homologous with SEQ. ID. NO. 1.

45. (New) The isolated nucleic acid of Claim 3, comprising a JAS promoter having a sequence at least 95% homologous with SEQ. ID. NO. 1.

46. (New) The isolated nucleic acid of Claim 3, comprising a JAS promoter having a sequence at least 98% homologous with SEQ. ID. NO. 1.

47. (New) The expression vector of Claim 5, comprising a JAS promoter having a sequence at least 70% homologous with SEQ. ID. NO. 1.

48. (New) The expression vector of Claim 5, comprising a JAS promoter having a sequence at least 80% homologous with SEQ. ID. NO. 1.

49. (New) The expression vector of Claim 5, comprising a JAS promoter having a sequence at least 90% homologous with SEQ. ID. NO. 1.

50. (New) The expression vector of Claim 5, comprising a JAS promoter having a sequence at least 95% homologous with SEQ. ID. NO. 1.

51. (New) The expression vector of Claim 5, comprising a JAS promoter having a sequence at least 98% homologous with SEQ. ID. NO. 1.

52. (New) The bacterial cell of Claim 17, comprising a JAS promoter having a sequence at least 70% homologous with SEQ. ID. NO. 1.

53. (New) The bacterial cell of Claim 17, comprising a JAS promoter having a sequence at least 80% homologous with SEQ. ID. NO. 1.

54. (New) The bacterial cell of Claim 17, comprising a JAS promoter having a sequence at least 90% homologous with SEQ. ID. NO. 1.

55. (New) The bacterial cell of Claim 17, comprising a JAS promoter having a sequence at least 95% homologous with SEQ. ID. NO. 1.

56. (New) The bacterial cell of Claim 17, comprising a JAS promoter having a sequence at least 98% homologous with SEQ. ID. NO. 1.

57. (New) An isolated nucleic acid comprising a JAS promoter having a sequence of SEQ. ID. NO. 1 and an exogenous nucleic acid, wherein the JAS promoter is operable to drive stem-specific expression or transcription of the exogenous nucleic acid.

58. (New) The nucleic acid of Claim 57, wherein the JAS promoter is further operable to drive upregulated stem-specific expression or transcription in the presence of a defense-inducing agent.

59. (New) An expression vector comprising, in a 5' to 3' direction:
a JAS promoter having a sequence of SEQ. ID. NO. 1;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.

60. (New) The expression vector of Claim 59, wherein the exogenous nucleic acid comprises a transgene.

61. (New) A bacterial cell comprising an expression vector having:
a JAS promoter having a sequence of SEQ. ID. NO. 1;
an exogenous nucleic acid; and
a 3' termination sequence,
wherein the JAS promoter has stem-specific promoter activity.